



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 20 2015

REPLY TO THE ATTENTION OF:

Mr. Bill Spencer
WATCH
2358 1150th Street
Kenney, Illinois 61749

Re: Freedom of Information Act (FOIA) Requests, Numbers EPA-R5-2015-6514,
EPA-R5-2015-6736, and EPA-R5-2015-6738

Dear Mr. Spencer:

This letter is the response of the U.S. Environmental Protection Agency, Region 5, Land and Chemicals Division (LCD), to your FOIA requests numbered EPA-R5-2015-6514, EPA-R5-2015-6736, and EPA-R5-2015-6738, which we received, respectively, on April 27, 2015, May 1, 2015, and May 1, 2015. In these three requests, you requested various records related to the U.S. Geological Survey report regarding the Clinton Landfill in Dewitt County, Illinois.

In conversations with Tom Crosetto of my staff on July 10 and July 16, 2015, you were informed that LCD has not received a final version of the U.S. Geological Survey report that you request, but we do possess various draft versions. You indicated that you would limit your request to include just the last draft version of this report. In response we have searched our records and confirmed that a draft of the report dated March 4, 2015 is the last version of the draft that LCD has received from USGS to-date. This document is 124 pages including text and attachments. However, we have determined that this document is exempt from mandatory disclosure under Exemption 5 of FOIA because it is deliberative. Exemption 5, 5 U.S.C. § 552(b)(5), protects from disclosure inter-agency or intra-agency information that would be protected by the deliberative process privilege recognized under common law and that would not be available by law to a party in litigation with the agency. No bill will be issued for our response to this request.

You may appeal this denial of records to EPA's National Freedom of Information Officer at the following address: EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460. However, note that only items mailed through the U.S. Postal Service may be delivered to this address. If you are submitting your appeal via hand delivery, courier service or overnight delivery, address it to National Freedom of Information Officer, EPA, 1301 Constitution Avenue, N.W., Room 6416J, Washington, D.C. 20004. You also may submit an appeal by email to hq.foia@epa.gov. Your appeal must be made in writing and submitted no later than 30 calendar days from the date of this letter. EPA will not consider appeals received after the 30 calendar day limit. The appeal letter should include the "EPA-R5" number listed above. For quickest possible handling, the appeal letter and envelope should be marked "Freedom of Information Act Appeal."

If you have any questions regarding this response, please contact Tom Crosetto of my staff at (312) 886-6294 or by email at crosetto.thomas@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Guerriero', with a long horizontal flourish extending to the right.

Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosure